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MAR 16 2005

OFFICE OF PETITIONS

In re Application of :
William Colin Basford :
Application No. 09/877,585 :
Filed: June 8, 2001 : ON PETITION
Title of Invention: :
APPARATUS TO REDUCE BASE :
DRAG BEHIND BLUFF BODIES :

This is a decision on the Petition to the Commissioner under 37 CFR 1.137(a) or 37 CFR 1.137(b), filed April 6, 2004, to revive the above-identified application.

This Petition is hereby granted.

Background:

The above-identified application became abandoned for failure to timely and properly reply to the final Office action, mailed May 27, 2003. The Office action set a three (3) month period for reply.

Applicant filed a response to the Office action on July 30, 2003; however, the response failed to place the application in condition for allowance. Applicant was so advised in an Advisory Action mailed August 26, 2003.

Applicant subsequently, on November 26, 2003, filed a Notice of Appeal and a petition under 37 CFR 1.181 requesting the Office reconsider the final Office action. No extension-of-time was filed with the Notice of Appeal.

The petition was dismissed as moot in a Decision mailed November 29, 2004, because the application was abandoned¹ at the time the petition was filed.

¹ The application became abandoned for Applicant's failure to timely and properly reply to the final Office action, mailed May 27, 2004. The Notice of Appeal was not timely because it did not include a request for extension-


Accordingly, the application became abandoned for failure to timely and properly reply to the final Office action mailed May 27, 2003. A Notice of Abandonment was mailed on March 22, 2004.

It is noted that Applicant has filed 2 appeal briefs with the instant petition on March 5, 2005 that appear to be copies of each other and are both dated January 26, 2004, in addition to the Notice of Appeal². Applicant is advised that the fee for Filing a Brief in Support of Appeal is \$250.00 effective December 8, 2004.

A review of Office records reveal that Applicant paid \$165.00 on November 25, 2003, for the filing of a Notice of Appeal, and \$165 on January 26, 2004, for filing an Appeal Brief, in addition to the \$250.00 paid with the Notice of Appeal and Appeal Brief filed with this petition. The 250.00 paid with the filing of this petition and Notice of Appeal and Appeal Brief has been applied to the filing of the Notice of Appeal. Regarding the fee for the Appeal Brief, applicant has submitted \$165.00, and a balance remains due of \$85.00. The \$165.00 fee paid for the November 25, 2003, Notice of Appeal has been applied to the \$250.00 fee for filing an appeal brief. A refund of the balance (\$80.00) has been scheduled via treasury check.

The application is being referred to Technology Center 3612.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.


Derek L. Woods
Attorney/Advisor
Office of Petitions

of-time and fee, and no authorization to charge fees has been located among the application papers.

² If the appeal briefs are not copies of each other, Applicant must file his appeal brief in triplicate within two (2) months of the date of this Decision.